

REMARKS

Claims 1-6, 9, and 10 are pending in the present application. Claims 1, 3, 4, and 6 have been amended to correct typographic errors and/or to further clarify the subject matter recited therein. No new matter is added. It is respectfully submitted that the claim amendments put the claims in condition for allowance and/or simplify the issues for appeal. In particular, the Examiner indicates in the Office Action at page 2, lines 14-17 that the claims have been examined with the limitation interpreted as meaning “decreasing the value provided to a user for displaying an advertisement based upon the amount of times *said user has seen said advertisement.*” (Emphasis added). Therefore, the Examiner has already examined the claims with substantially the same meaning as the amended claims, and therefore no additional searching is necessary. It is respectfully requested that the claim amendments be entered, and in view of the amendments and the following remarks, favorable reconsideration of this case is respectfully requested.

Claims 1, 3, 4 and 6 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The claims have been amended to clarify the subject matter recited therein, and it is therefore respectfully requested that the rejections be withdrawn.

Claims 1, 3, 4, and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,855,008 to Goldhaber et al. (hereinafter Goldhaber) in view of U.S. Patent No. 6,285,987 to Roth et al. (hereinafter Roth). Applicants respectfully traverse.

Claim 1 relates to a server apparatus for applying one or more incentive points by which a service can be received in response to an amount of said points to be used in a Web site. The server apparatus of claim 1 includes, among other things, display point determining means for determining a point number to be displayed on said advertisement within said applicable point

number in accordance with a predetermined rule that includes *decreasing said point number as a total number of points, accumulated by the person for said advertisement, increases.*

Goldhaber apparently discloses a method for distributing advertising over computer networks to be read by consumers (see, e.g., abstract of Goldhaber). Goldhaber discloses a plurality of consumer computers and servers connected to a computer network. In particular, a consumer “clicks” on CyberCoin icon that initiates a retrieval and display of an associated advertisement. The advertisement display may require consumer interaction to ensure he has paid enough attention. Upon successful completion of this task digital currency or coupons are credited to a consumer account.

Nowhere does Goldhaber teach or suggest “display point determining means for determining a point number to be displayed on said advertisement within said applicable point number in accordance with a predetermined rule that includes decreasing said point number as a total number of points, accumulated by the person for said advertisement, increases” as now recited in Applicants’ claims 1, 3, 4 and 6.

The Examiner acknowledges that Goldhaber fails to disclose decreasing said point number as a total number of points accumulated by said advertisement increases. (Office Action; page 4, line 9 et. seq.) The Examiner asserts that Roth discloses this feature at column 5, lines 55-63. However, the cited section of Roth apparently relates to a stepped bidding process in which the first 1000 hits on a website are bid at 5 cents and the next 1000 hits are bid at 4 cents. The section states in its entirety:

For example a proposed bid might specify that for the first 1000 matching view-ops, the proposed bid will be five cents and for the next 1000 matching view-ops the proposed bid will be four cents. The actual submission of proposed bids by advertisers and the rate at which advertisers can change their proposed bids is measured in minutes compared to the rate at which the system evaluates proposed bids which is in the order of microseconds.

(Roth; col. 5, lines 55-63). This section of Roth does not appear to disclose or suggest decreasing a point number as a total number of points, *accumulated by the person* for an advertisement, increases. There is no indication that the point number decreasing apparently discussed in Roth is based on the number of points accumulated by a person, but is rather apparently based on *the total number of viewings* of the advertisement. Therefore, since none of the references disclose or suggest the feature of decreasing the point number as a total number of points, accumulated by the person for the advertisement, increases, claim 1 is allowable.

Independent claims 3, 4, and 6 include a feature similar to that discussed above, and therefore these claims are allowable for at least the same reason as claim 1 is allowable.

Claims 2, 5, 9, and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Goldhaber in view of Roth and further in view of U.S. Patent No. 5,937,391 to Ikeda et al. (hereinafter Ikeda). Applicants respectfully traverse.

Ikeda cannot cure this deficiency in Goldhaber. Ikeda does not teach or disclose the above feature of the present invention because Ikeda is silent on advertisements. Therefore, since claims 2, 5, and 9 depend from claims 1, 4, and 6, respectively, these claims are allowable for at least the same reasons as their respective base claims are allowable.

New claim 10 relates to a server that includes, *inter alia*, a web page display arrangement for producing a web page which displays an advertisement including a point number based on a predetermined rule. In claim 10, the predetermined rule includes *decreasing the point number each time the user or another user selects the advertisement*.

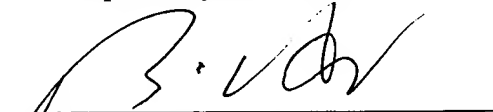
The Office Action asserts that this feature is disclosed in Roth and refers to the rejection of claim 1. Therefore, for at least the same reason as claim 1 is allowable over the cited references, claim 10 is also allowable.

CONCLUSION

In view of the remarks set forth above, this application is believed to be in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



Brian E. Hennessey
Reg. No. 51,271

CUSTOMER NUMBER 026304
Telephone: (212) 940-8800
Fax: (212) 940-8986/8987
Docket No.: 100809-16256 (SCET 18.691)
BEH:pm